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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,556	01/17/2002	Henry Wang	10065-001	8684
29391	7590	11/15/2005		
BEUSSE BROWNLEE WOLTER MORA & MAIRE, P. A.				
390 NORTH ORANGE AVENUE				
SUITE 2500				
ORLANDO, FL 32801				
			EXAMINER	
			FLORES SANCHEZ, OMAR	
			ART UNIT	PAPER NUMBER
			3724	

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

TJH

Office Action Summary	Application No. 10/051,556	Applicant(s) WANG, HENRY	
	Examiner Omar Flores-Sánchez	Art Unit 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 01 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,6-23,35 and 36 is/are pending in the application.
4a) Of the above claim(s) 7-17,20 and 21 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2,4 and 6 is/are allowed.
- 6) ☒ Claim(s) 1,18,22,35 and 36 is/are rejected.
- 7) ☒ Claim(s) 23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to applicant's remarks received on 09/01/05.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 18, 19, 22, 35 and 36 are rejected under 35 U.S.C. 102(b) as being anticipated by Carruth (5,140,778).

Carruth discloses (Fig. 1-9) the invention including:

- a. Claim 1; a body 38, a center leg 4 having a leg work piece-contacting surface, first and second tunnels (Fig. 3), a first leg 2 having a first leg work piece-contacting surface, non-slip surfaces (the bottom surface of the three legs), a second leg 2 having a second leg work piece-contacting surface (the right leg on Fig. 2 and 3) and a handle 45.
- b. Claims 18, 19 and 22; Carruth shows in addition to what is stated above regarding claim 1, a structure 138, a flat side surface (see Fig. 2 and 3, the side end of the leg 2), tunnels (see Fig. 2), means (40-42) for adjusting the width of the tunnel and co-planar work piece contacting surfaces (Fig. 2).
- c. Claim 35, wherein at least one of the first, second and center legs is removeably attached to the body (see Fig. 7).

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d. Claim 36, wherein the width of the legs are different (see Fig. 7). Carruth's device is capable of passing a saw device through the tunnel.

4. Claims 1 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Tidey (751,121).

Tidey discloses (Fig. 1-4) the invention including a body *E*, a center leg *G* having a leg work piece-contacting surface, first and second tunnels (Fig. 1), a first leg *G* having a first leg work piece-contacting surface, non-slip surfaces (the bottom surface of the three legs), a second leg *G* having a second leg work piece-contacting surface (the right leg on Fig. 2 and 3) and a handle *K*.

Allowable Subject Matter

5. Claims 2, 4 and 6 are allowed.

6. Claim 23 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

7. Applicant's arguments, filed on 6/20/05 and 7/26/05, with respect to the rejection(s) of claim(s) 18 under a 102 rejection have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Essick (6,491,073 B1).

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Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Flores-Sánchez whose telephone number is 571-272-4507. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

OFS
11/7/05


Allan N. Shoap
Supervisory Patent Examiner
Group 3700